IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1359 OF 2005

Mr.Tarun R.Rathi. ..Petitioner.

V/s.

State of Maharashtra & Anr. ..Respondents.

Ms.Seema Gupta i/b Mr.A.M.Saraogi for petitioner.

Mr.Deepak N.Salvi, PP for Union of India.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 5, 2005.

P.C. :

1. Heard counsel for the parties.

2. I am informed that the preview of the cassettes in question was held on 3rd December, 2005. Counsel for the respondent No.2 submits that opinion expressed by the officials is that the entire film is objectionable; and is not clipping of several news items as is contended. Besides, according to the officials the obvious attempt appears to be to glorify the events and the offenders. If this is the opinion expressed by the officials of respondent No.2, I see no reason to depart from the conclusion reached by the lower court in allowing the

application preferred at the instance of respondent No.2. I find substance in the argument of the counsel appearing for respondent No.2 that the exposition of the Apex court in the case of **M.P.Lohia v/S. State of West Bengal &** A**nr. reported in 2005 AIR SCW 767,** in paragraph 10 applies with full force to the case on hand. In that decision the Apex court has observed thus :

> "The facts narrated therein are all materials that may be used in the forthcoming trial in this case and we have no hesitation that this type of articles appearing in the media would certainly interfere with the administration of justice. We deprecate this practice and caution the publisher, editor and the journalist who were responsible for the said article against in such trial by media when the issue is subjudice. However, to prevent any further issue being raised in this regard, we treat this matter as closed and hope that the other concerned in journalism would take note of this displeasure expressed by us for interfering with the administration of justice."

Accordingly, this petition should fail, the same is dismissed.

3. The relevant cassettes which were reviewed have been taken into custody by the respondent No.2 and kept in sealed cover duly endorsed by the official of respondent No.2 and petitioner. The said packets will have to be handed over to the concerned police station i.e. Sahar Police Station. Respondent No.2 shall take necessary steps in this behalf.

4. Ordered accordingly.